
Public Utilities Commission of the State of California

Public Agenda 3290

Thursday, March 8, 2012 9:00 a.m.

San Francisco, California

Commissioners

Michael R. Peevey, President

Mark J. Ferron

Michel Peter Florio

Catherine J.K. Sandoval

Timothy Alan Simon

For each agenda item, a summary of the proposed action is included; the Commission's decision may, however, differ from that proposed.

Website: <http://www.cpuc.ca.gov>

Scheduled Commission Meetings

505 Van Ness Avenue, San Francisco

<i>Ratesetting Deliberative Meeting*</i> Room 5305 (1:30 p.m.) <i>Closed to the Public</i>	<i>Commission Meeting</i> Auditorium (9:00 a.m.) <i>Open to the Public</i>
Monday, March 05, 2012 (San Francisco)	Thursday, March 08, 2012 (San Francisco)
Monday, March 19, 2012 (San Francisco)	Thursday, March 22, 2012 (San Francisco)
Monday, April 16, 2012 (San Francisco)	Thursday, April 19, 2012 (San Francisco)
Monday, May 07, 2012 (San Francisco)	Thursday, May 10, 2012 (Fresno)
Monday, May 21, 2012 (San Francisco)	Thursday, June 07, 2012 (San Francisco)

**Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered and a Commissioner has requested that a Ratesetting Deliberative Meeting be held.*

Matters of Public Interest

For the convenience of the public and media representatives, items of widespread public interest will be taken up at the beginning of the meeting.

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PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda.
- 21, 28, 29, 30, 31, 32, 42, 43

Public Comment:

Consent Agenda

Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.

Consent Agenda - Orders and Resolutions

Item	Preliminary Categorizations and Hearing Determinations for
1	Recently Filed Formal Applications

[11058]

Res ALJ-176-3290

PROPOSED OUTCOME:

® Ratification of preliminary determination of category for proceedings initiated by application. The Preliminary determinations are pursuant to Rule 7.1 of the Commission's Rules of Practice and Procedure.

ESTIMATED COST:

® None.

Consent Agenda - Orders and Resolutions (continued)**Item Revenue Requirements for Test Year 2012 and Post-Test
2 Year Ratemaking Adjustments for 2013 and 2014**

[10863]

A11-02-002

Application of Suburban Water Systems for Authority to Increase Rates Charged for Water Service by \$19,234,576 or 35.85% in 2012, by \$3,032,827 or 4.18% in 2013, and by \$1,973,200 or 2.61% in 2014.

PROPOSED OUTCOME:

- ® Adopts a partial settlement with the Division of Ratepayer Advocates and resolves all other issues.
- ® Closes the proceeding.

ESTIMATED COST:

- ® Rates will increase by 24.74% in 2012.

(Comr Sandoval - ALJ Long)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=576091

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Agenda 3287, Item 9 1/12/2012 (Staff);

Agenda 3288, Item 3 2/1/2012 (Staff)

Consent Agenda - Orders and Resolutions (continued)

**Item San Diego Gas & Electric Company to Issue up to \$750
3 Million of New Debt Securities**

[11006]

A11-10-016

Application of San Diego Gas & Electric Company for authorization to: (1) issue certain tax exempt Debt Securities (First Mortgage Bonds, debentures, overseas indebtedness, foreign securities, medium-term notes, accounts receivable financing) in order to guarantee the obligations of others, and to enter into long-term loans, in an aggregate principal amount up to \$750 million of debt capital, in addition to previously-authorized amounts; (2) include certain features in the Debt Securities or to enter into certain derivative transactions related to underlying debt in order to improve the terms and conditions of the debt portfolio and with the goal of lowering the cost of money for the benefit of ratepayers; (3) hedge planned issuances of Debt Securities, (4) obtain certain exemptions from the Commission's Competitive Bidding Rule; and (5) take all other necessary, related actions.

PROPOSED OUTCOME:

- ® Grants San Diego Gas & Electric Company (SDG&E) the authority to issue up to \$750 million of new debt securities.
- ® Authorizes SDG&E to:
- ® Encumber utility property.
- ® Guarantee the securities or other obligations of SDG&E's regulated affiliates and regulated subsidiaries, and political subdivisions that issue securities on behalf of SDG&E.
- ® Enter into debt securities enhancement features.
- ® Receive certain exemptions from the Commission's Competitive Bidding Rule.
- ® Closes the Proceeding.

ESTIMATED COST:

- ® None.

(Comr Ferron - ALJ Wilson)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=576186

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Agenda 3289, Item 17 2/16/2012 (Simon)

Consent Agenda - Orders and Resolutions (continued)**Item Amends Scope of Rulemaking 11-02-019 to Implement
4 Senate Bill 705 and Adds Respondents**

[11032]

R11-02-019

Order Instituting Rulemaking on the Commission's Own Motion to Adopt New Safety and Reliability Regulations for Natural Gas Transmission and Distribution Pipelines and Related Ratemaking Mechanisms.

PROPOSED OUTCOME:

- ® Amends Rulemaking 11-02-019 to implement Senate Bill 705.
- ® Adds respondents to the proceeding.
- ® Orders various audits.

ESTIMATED COST:

- ® Unknown.

(Comr Florio - ALJ Bushey)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=575128

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Agenda 3289, Item 27 2/16/2012 (Staff)

Consent Agenda - Orders and Resolutions (continued)**Item Addresses Motions and Closes Proceedings****5**

[11034]

A08-11-001, R06-02-013, R04-04-003, R04-04-025, R99-11-022 - Related matters.

Application of Southern California Edison Company for Applying the Market Index Formula and As-Available Capacity Prices adopted in D07-09-040 to Calculate Short-Run Avoided Cost for Payments to Qualifying Facilities beginning July 2003 and Associated Relief.

PROPOSED OUTCOME:

- ® Grants various motions to withdraw petitions for modification, motions, and claims filed in Application (A) 08-11-001, Rulemaking (R) 06-02-013, R04-04-025, R04-04-003, and R99 11-022.
- ® Closes proceedings A08-11-001, R06-02-013, R04-04-025, R04-04-003 and R99-11-022.

ESTIMATED COST:

- ® None.

(Comr Ferron - ALJ Yip-Kikugawa)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=576294

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Consent Agenda - Orders and Resolutions (continued)**Item Valencia Water Company's Request to Permit Payment of
6 Bills Using a Credit or Debit Card**

[11035]

Res W-4908, Advice Letter No. 137-W filed on June 9, 2011 - Related matters.**PROPOSED OUTCOME:**

® Rejects utility's request to permit payment of water bills using a credit or debit card finding that the convenience fee of \$3.75 per transaction is unreasonable.

® Permits the utility to modify its Rule 9 by filing a Tier 1 advice letter to offer customers the option to receive their water bills electronically at no extra charge.

ESTIMATED COST:

® None.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=573488

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Consent Agenda - Orders and Resolutions (continued)

Item **Pacific Gas and Electric Company's Amendment to Five**
7 **Qualifying Facility Standard Offer Power Purchase**
[11038] **Agreements With Covanta Mendota, L.P. et al.**

Res E-4455, Advice Letter (AL) 3921-E filed on October 6, 2011, as amended by supplemental AL 3921-E-A filed on October 14, 2011 - Related matters.

PROPOSED OUTCOME:

® Approves the Proposed Amendment of the existing Qualifying Facility contracts between Covanta Mendota, L.P., Rio Bravo Fresno, Rio Bravo Rocklin, Pacific-Ultrapower Chinese Station, Wheelabrator Shasta Energy Company, Inc. and Pacific Gas and Electric Company without modifications.

ESTIMATED COST:

® Actual costs are confidential at this time.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=576254

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Consent Agenda - Orders and Resolutions (continued)

Item **Winning Grant Recipients of the California Solar Initiative**
8 **Research, Development, Deployment and Demonstration**
[11039] **Program**

Res E-4470

PROPOSED OUTCOME:

® Program Manager will enter into grant agreements with seven selected recipients for a total of up to \$7.85 million.

® These will be paid from the California Solar Initiative Research, Development and Demonstration Program Budget.

ESTIMATED COST:

® No additional cost is associated with this Resolution, as funds were authorized by a previous decision.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=574457

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Consent Agenda - Orders and Resolutions (continued)**Item Petition for Modification of Decision 11-01-025****9**

[11040]

R06-02-012

Order Instituting Rulemaking to develop additional methods to implement the California renewables portfolio standard program.

PROPOSED OUTCOME:

® Denies Center for Energy Efficiency and Renewable Technologies' Petition for Modification of Decision 11-01-025.

® Closes the proceeding.

ESTIMATED COST:

® None.

(Comr Ferron - ALJ Simon)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=E54853

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

**Item Staff to Seek Reimbursement for the Costs of Implementing
10 the Limited English Proficiency Survey**

[11041]

Res T-17358**PROPOSED OUTCOME:**

® Approves the cost for retaining the services of Field Research.

ESTIMATED COST:

® \$875,500 plus or minus 10%.

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Consent Agenda - Orders and Resolutions (continued)**Item Petition to Modify Decision 09-10-017****11**

[11042]

A09-04-001

Application of Pacific Gas and Electric Company for Approval of a Power Purchase Agreement with Mariposa Energy, LLC.

PROPOSED OUTCOME:

® Denies October 11, 2010 Petition of CALifornians for Renewable Energy, Inc. to Modify Decision 09-10-017.

® Closes the proceeding.

ESTIMATED COST:

® None.

(Comr Ferron - ALJ Semcer)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=E54817

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Consent Agenda - Orders and Resolutions (continued)**Item East Pasadena Water Company to Issue up to \$1.15 Million
12 of New Long-Term Debt Securities**

[11043]

A11-11-010

Application of East Pasadena Water Company to Borrow \$1,150,000 and issue two notes under Sections 816 - 830 of the Public Utilities Code, and to encumber utility property under Section 851 of the Public Utilities Code.

PROPOSED OUTCOME:

- ® Grants East Pasadena Water Company (East Pasadena) the authority to issue up to \$1.15 million of long-term notes, consisting of a loan of \$900,000 from its parent company, California Michigan Land and Water Company and a loan of \$250,000 from Professional Business Bank.
- ® Authorizes East Pasadena to encumber utility property subject to the conditions enumerated in orders of this decision.
- ® Closes the proceeding.

ESTIMATED COST:

- ® None.

(Comr Sandoval - ALJ Wilson)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=576327

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Consent Agenda - Orders and Resolutions (continued)**Item Bay Star Shuttle, Inc. for a Passenger Stage Corporation
13 Certificate**

[11044]

A11-12-007**PROPOSED OUTCOME:**

® Grants the application of Bay Star Shuttle, Inc. to operate as an on-call passenger stage corporation between points in Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara and Sonoma Counties and San Francisco, Oakland, and San Jose International Airports.

® Establishes a zone of rate freedom.

® Closes the proceeding.

ESTIMATED COST:

® None.

(Exam Cooke)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=573835

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Consent Agenda - Orders and Resolutions (continued)**Item Motion to Withdraw and Dismiss the Proceeding With
14 Conditions**

[11045]

A11-10-013

Application of BullsEye Telecom, Inc. for a Certificate of Public Convenience and Necessity for Additional Authority to Operate as a Provider of Resold Local Exchange and IntraLATA Service within the Service Areas of Citizens Telecommunications Company of California, Inc., d/b/a Frontier Communications of California.

PROPOSED OUTCOME:

® Grants, with conditions, Bullseye Telecom, Inc.'s Motion to Withdraw its Application for Certificate of Public Convenience and Necessity to operate as a Provider of Resold Local Exchange Services with the service areas of Citizens Telecommunications Company of California.

® If the application and/or any of its current officers, directors, or owners of more than ten percent of its outstanding shares makes application to the California Public Utilities Commission for authorization to provide telecommunications services in California in the future, they shall reference this Decision, this Application and the Protest of the Consumer Protection and Safety Division.

® Closes the proceeding.

ESTIMATED COST:

® None.

(Comr Sandoval - ALJ Fitch)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=E54931

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Consent Agenda - Orders and Resolutions (continued)**Item Patricia Heimer for a Certificate of Public Convenience and
15 Necessity**

[11049]

A09-09-005

Application of Patricia Heimer, doing business as Redwood Lodge Water Company for a Certificate of Public Convenience and Necessity to operate as a Water Public Utility within the meaning of Public Utilities Code Section 2701 et seq., in Santa Cruz County near Los Gatos; and to establish Water Rates.

PROPOSED OUTCOME:

- ® Grants Certificate of Public Convenience and Necessity to Patricia Heimer doing business as Redwood Lodge Water Company to operate as a public utility.
- ® Closes the proceeding.

ESTIMATED COST:

- ® None.

(Comr Sandoval - ALJ Bushey)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=E54921

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Consent Agenda - Orders and Resolutions (continued)

**Item Southern California Edison Company's Cancellation of
16 Specified 2010-2012 Energy Efficiency Programs**

[11050]

Res E-4474, Advice Letter 2627-E filed on September 12, 2011 - Related matters.

PROPOSED OUTCOME:

- ® Approves the cancellation of seven Southern California Edison Company (SCE) efficiency programs and the shifting of the remaining funds from those programs (\$17.9 million) to SCE's Public Schools Program.
- ® Approves \$25.9 million in additional fund shifting between SCE's energy efficiency programs and various program modifications.
- ® Denies fund shifting from the Statewide Marketing, Education and Outreach Program.

ESTIMATED COST:

- ® None.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=574358

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Consent Agenda - Orders and Resolutions (continued)**Item Sierra Telephone Company's California High Cost Fund-A
17 Funding for Calendar Year 2012**

[11051]

Res T-17356**PROPOSED OUTCOME:**

® Reduces Sierra Telephone Company's Calendar Year 2012 funding from California High Cost Fund (CHCF)-A to 80% from 100% as Sierra did not file for a General Rate Case by December 31, 2012, as required by CHCF-A Implementation Rules.

® Updates funding for 14 small Independent Local Exchange Carriers for Calendar Year 2012 to reflect 80% funding for Sierra.

ESTIMATED COST:

® None.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=575948

Pub. Util. Code § 311 – This item was mailed for Public Comment.

**Item San Diego Gas & Electric Company's Renewable Energy
18 Power Purchase Agreement With Catalina Solar, LLC**

[11053]

Res E-4462, Advice Letter 2276-E filed on August 3, 2011 - Related matters.**PROPOSED OUTCOME:**

® Approves cost recovery for the long-term renewable energy power purchase agreement (PPA) between San Diego Gas & Electric Company and Catalina Solar, LLC.

® The PPA is approved without modification.

ESTIMATED COST:

® Costs of PPA are confidential at this time.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=576290

Consent Agenda - Orders and Resolutions (continued)**Item Modification of Decision 11-09-040****19**

[11054]

A10-02-006

In the matter of the application of Alco Water Service, (Alco) a California Corporation, for an order 1) authorizing it to increase rates for water service by \$3,709,633 or 62.6% in test year 2010; 2) authorizing it to increase rates on July 1, 2011 by \$1,752,844 or 18.2% and July 1, 2012 by \$1,016,639 or 8.9% in accordance with Decision 08-11-035, and 3) adopting other related rulings and relief necessary to implement the Commission's ratemaking policies.

PROPOSED OUTCOME:

® Clarifies the process where Alco Water Service must file a Tier 3 Advice Letter for certain transactions.

® Closes the proceeding.

ESTIMATED COST:

® No change in rates or service.

(Comr Peevey - ALJ Long)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=E55082

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Consent Agenda - Orders and Resolutions (continued)

Item **San Diego Gas & Electric Company's Renewable Energy**
20 **Power Purchase Agreement, as Amended, With Energia**
[11055] **Sierra Juarez U.S., LLC**

Res E-4467, Advice Letter (AL) 2247-E filed on April 19, 2011 and AL 2247-E-A filed on October 6, 2011 - Related matters.

PROPOSED OUTCOME:

® Approves cost recovery for the long-term renewable energy power purchase agreement (PPA), as amended, between San Diego Gas & Electric Company and Energia Sierra Juarez U.S., LLC.

® The PPA, as amended, is approved without modification.

ESTIMATED COST:

® Approximately \$41 million per year for 20 years.

® Approximately \$820 million over the life of the contract (nominal).

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=574921

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Consent Agenda - Orders and Resolutions (continued)

Item Reparations for Telephone Bill Overcharge

21

[11056]

(ECP) C11-06-023

Sharon Tesler vs. Sprint Nextel of California Inc.

PROPOSED OUTCOME:

- ® Grants Complainant reparations of \$340 for overcharge on her telephone bill.
- ® Closes the proceeding.

ESTIMATED COST:

- ® \$340.

(Comr Simon - ALJ Barnett)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=573449

Consent Agenda - Orders and Resolutions (continued)

**Item Settlement Agreement Entered Into by San Diego Gas &
22 Electric Company and the Division of Ratepayer Advocates
[11057] Regarding Energy Resource Recovery Account**

A10-06-001

Application of San Diego Gas & Electric Company for Approval of: (i) Contract Administration, Least Cost Dispatch and Power Procurement Activities, and (ii) Costs Related to those Activities Recorded to the Energy Resource Recovery Account, Incurred During the Record Period January 1, 2009 through December 31, 2009, and (iii) the Entries Recorded in Related Regulatory Accounts.

PROPOSED OUTCOME:

- ® Approves an all party Settlement Agreement entered into by San Diego Gas & Electric Company (SDG&E) and the Division of Ratepayer Advocates.
- ® Adopts the Settlement Agreement which includes a disallowance of \$368,802 in SDG&E's Energy Resource Recovery Account, to account for the December 28, 2008 San Onofre Nuclear Generating Station Unit 2 outage.
- ® Closes the proceeding.

ESTIMATED COST:

- ® Disallowance of \$368,802.

(Comr Florio - ALJ Wilson)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=573818

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Consent Agenda - Orders and Resolutions (continued)**Item Pacific Gas and Electric Company's Settlement Agreement
23 and Revised Customer Energy Statement**

[11062]

A10-03-014

Application of Pacific Gas and Electric Company To Revise Its Electric Marginal Costs, Revenue Allocation, and Rate Design, including Real Time Pricing, to Revise its Customer Energy Statements, and to Seek Recovery of Incremental Expenditures.

PROPOSED OUTCOME:

- ® Adopts all-party settlement to implement a Revised Customer Energy Statement designed to:
- ® Improve the clarity and usefulness of the billing information in the customer energy statement.
- ® Motivate the customer to understand the effect of their behavior on energy usage.
- ® To interest customers in pursuing dynamic pricing options.

ESTIMATED COST:

- ® \$19.012 million.

(Comr Peevey - ALJ Pulsifer)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=576197

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Consent Agenda - Orders and Resolutions (continued)

**Item Pacific Gas and Electric Company and Southern California
24 Edison Company's Two Uncontested Advice Letters**

[11063]

Res E-4477, PG&E Advice Letter (AL) 3955-E filed November 21, 2011, and SCE AL 2656-E filed November 21, 2011 - Related matters.

PROPOSED OUTCOME:

® The Interconnection Agreement will be available for execution by certain eligible existing Qualifying Facilities already interconnected to the distribution system of Southern California Edison Company or Pacific Gas and Electric Company, as described herein.

ESTIMATED COST:

® None.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=574852

Consent Agenda - Orders and Resolutions (continued)**Item Southern California Gas Company's Year 17 (2010-2011) Gas
25 Cost Incentive Mechanism**

[11066]

A11-06-017

In the Matter of the Application of Southern California Gas Company Regarding Year 17 (2010-2011) of Its Gas Cost Incentive Mechanism.

PROPOSED OUTCOME:

- ® Grants the request of Southern California Gas Company for \$6.2 million in shareholder incentives, based on \$40.9 million in recorded gas costs below the Commission-established benchmark.
- ® Closes the proceeding.

ESTIMATED COST:

- ® \$6.2 million shareholder award in the Purchased Gas Account.

(Comr Peevey - ALJ Gamson)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=573995

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Consent Agenda - Orders and Resolutions (continued)

Item Modification of Absolved Service Agreement
26

[11077]

Res E-4482, Advice Letter 2565-E, filed on March 25, 2011 - Related matters.**PROPOSED OUTCOME:**

- ® Approves modified Absolving Service Agreement.
- ® Extends the existing Tariff Rule 9 and Rule 16 Deviations for the Qualifying Facility, formerly owned by O.L.S.-Energy Camarillo, now owned and operated for the California State University Channel Islands (CSUCI) by the Site Authority, a governmental entity formed by CSUCI.
- ® Modifies the List of Contracts and Deviations to reflect the above deviations.

ESTIMATED COST:

- ® None.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=575595**Item Pacific Gas and Electric Company's new Power Purchase**
27 Agreement With Shiloh IV Wind Project, LLC

[11078]

Res E-4469, Advice Letter (AL) 3893-E filed on August 18, 2011, and Supplemental AL 3893-E-A filed on February 3, 2012 - Related matters.**PROPOSED OUTCOME:**

- ® Approves cost recovery for the long-term renewable energy power purchase agreement between Pacific Gas and Electric Company and Shiloh IV Wind Project, LLC.
- ® Approves modifications to two existing Qualifying Facility agreements with enXco Windfarm V, Inc.

ESTIMATED COST:

- ® Actual costs are confidential at this time.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=575614

Consent Agenda - Orders and Resolutions (continued)

Item Order Extending Statutory Deadline

28

[11082]

C11-05-014

Richard G. Wilbur as Trustee for the Richard G. Wilbur Revocable Trust vs. Pacific Gas and Electric Company.

PROPOSED OUTCOME:

® Extends the 12-month deadline for resolving this proceeding to November 30, 2012.

ESTIMATED COST:

® None.

(Comr Simon - ALJ Kenney)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=575741

Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.

Consent Agenda - Orders and Resolutions (continued)

Item Order Extending Statutory Deadline

29

[11094]

C10-03-011

City of Davis, California vs. Newpath Networks, LLC, a New Jersey Limited Liability Company.

PROPOSED OUTCOME:

® The 12-month statutory deadline in Case 10-03-011, March 23, 2012, is extended to and including March 23, 2013.

ESTIMATED COST:

® None.

(Comr Sandoval - ALJ MacDonald)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=456120

Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.

Consent Agenda - Orders and Resolutions (continued)

Item Order Extending Statutory Deadline

30

[11096]

C11-03-020

Wendy Wood and Robert F. Spohr vs. Tahoe Park Water Company.

PROPOSED OUTCOME:

® Extends the statutory deadline for this proceeding until September 25, 2012.

ESTIMATED COST:

® None.

(Comr Ferron - ALJ Colbert)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=575858

Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.

Consent Agenda - Orders and Resolutions (continued)**Item Order Extending Statutory Deadline****31**

[11097]

C11-03-011

Tesoro Refining and Marketing Company vs. Equilon Enterprises, L.L.C., doing business as Shell Oil Products; Shell Trading Company; and San Pablo Bay Pipeline Company LLC.

PROPOSED OUTCOME:

® Extends the statutory deadline for this proceeding until March 23, 2013.

ESTIMATED COST:

® None.

(Comr Peevey - ALJ Bemederfer)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=575961

Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.

Consent Agenda - Orders and Resolutions (continued)**Item Order Extending Statutory Deadline****32**

[11098]

I11-02-016

Order Instituting Investigation on the Commission's Own Motion into the Operations and Practices of Pacific Gas and Electric Company with Respect to Facilities Records for its Natural Gas Transmission System Pipelines.

PROPOSED OUTCOME:

- ® Extends statutory deadline to February 24, 2013.
- ® Decision 12-02-025 is superseded.

ESTIMATED COST:

- ® None.

(Comr Florio - ALJ Yip-Kikugawa)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=575995

Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.

Consent Agenda - Orders and Resolutions (continued)**Item PacificCorp to Modify Energy Cost Adjustment Clause Rates****33**

[11099]

A11-08-001

In the Matter of the Application of PacificCorp for Authority to Update its Rates Pursuant to its Energy Cost Adjustment Clause Effective January 1, 2012.

PROPOSED OUTCOME:

- ® Grants rate increase of 1.6% and denies inclusion of Assembly Bill 32 costs and revenues in Energy Cost Adjustment Clause Rates.
- ® Closes the proceeding.

ESTIMATED COST:

- ® \$1.64 million.

(Comr Florio - ALJ Clark)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=574156

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Consent Agenda - Intervenor Compensation Orders**Item Compensation to Women's Energy Matters****34**

[10984]

R10-05-006

Order Instituting Rulemaking to Integrate and Refine Procurement Policies and Consider Long-Term Procurement Plans.

PROPOSED OUTCOME:

® Denies intervenor compensation to Women's Energy Matters due to lack of substantial contribution to Decision 11-05-015.

ESTIMATED COST:

® None.

(Comr Peevey - ALJ Allen)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=575725

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Agenda 3289, Item 30 2/16/2012 (Staff)

Consent Agenda - Intervenor Compensation Orders (continued)**Item Compensation to The Utility Reform Network****35**

[11076]

A09-12-020, I10-07-027 - Related matters.

Application of Pacific Gas and Electric Company for Authority, Among Other Things, to Increase Rates and Charges for Electric and Gas Service Effective on January 1, 2011.

PROPOSED OUTCOME:

® Awards The Utility Reform Network \$860,721.50 in intervenor compensation for contributions to Decision 11-05-018.

ESTIMATED COST:

® Pacific Gas and Electric Company will pay the awarded amount of \$860,721.50, plus interest.

(Comr Peevey - ALJ Division)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=574022

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Regular Agenda**Regular Agenda - Energy Orders**

Item **Pacific Gas and Electric Company to Invest \$9.9 Million of**
36 **Ratepayer Funds in a Solar Manufacturing Development**
[11047] **Facility**

A10-11-002

Application of Pacific Gas and Electric Company for Authority to Increase Electric Rates and Charges to Recover Costs Relating to California Solar Photovoltaic Manufacturing Development Facility.

PROPOSED OUTCOME:

- ® Denies the application of Pacific Gas and Electric Company to invest \$9.9 million of ratepayer fund in Silicon Valley Technology Corporation.
- ® Closes the proceeding.

ESTIMATED COST:

- ® None.

(Comr Peevey - ALJ Bemederfer)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=E54933

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Regular Agenda - Energy Orders (continued)**Item ALTERNATE TO ITEM 11047****36a**

[11048]

PROPOSED OUTCOME:

- ® Approves the application.
- ® Finds that the Manufacturing Developing Facility (MDF) is similar to research and development programs that the California Public Utilities Commission (Commission) has financed through ratepayer surcharges in the past.
- ® The Alternate Proposed Decision (APD) notes that construction of the MDF is consistent with the Commission's program of encouraging utilities to increase their use of renewable resources; is supported by substantial grant funding from the United States Department of Energy; and that, as a research and development project, it is not expected to earn a return.
- ® The APD finds that the likelihood of reducing the cost of solar photovoltaic technology is a sufficient justification for the investment of ratepayer funds.
- ® Closes the proceeding.

ESTIMATED COST:

- ® None.

(Comr Peevey)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=E54935*Pub. Util. Code § 311 – This item was mailed for Public Comment.**Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

Regular Agenda - Energy Resolutions and Written Reports

Item **Appeal of Resolution E-4392 Regarding Southern California**
37 **Edison Company's Notice of Proposed Construction of**
[10799] **McGrath 66 Kilovolt Substation Project**

Res E-4400, Appeal of Resolution E-4392 Filed on February 14, 2011 - Related matters.

PROPOSED OUTCOME:

® Denies the appeal of Executive Director's Resolution E-4392, and finds that Resolution E-4392 correctly disposed of the protests to Advice Letter 2517-E-A.

ESTIMATED COST:

® None.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=575660

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Agenda 3285, Item 20 12/1/2011 (Ferron);

Agenda 3286, Item 4 12/15/2011 (Staff);

Agenda 3287, Item 3 1/12/2012 (Staff);

Agenda 3289, Item 2 2/16/2012 (Ferron)

Regular Agenda - Energy Resolutions and Written Reports (continued)

Item ALTERNATE TO ITEM 10799
37a
[11075]

PROPOSED OUTCOME:

® This Alternate Resolution finds that Executive Director's Resolution E-4392 correctly disposed of the protests to Advice Letter 2517-E-A, but grants the appeal based on broader policy considerations.

ESTIMATED COST:

® None.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=575031

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Item Pacific Gas and Electric Company, Southern California
38 Edison Company and San Diego Gas & Electric Company to
[10999] **Enter Negotiations With Calpine's Sutter Energy Center**
Res E-4471

PROPOSED OUTCOME:

® Orders Pacific Gas and Electric Company, Southern California Edison Company and San Diego Gas & Electric Company to negotiate to enter into a contract with Calpine's Sutter Energy Center to end no later than December 31, 2012.

® Adopts a non-bypassable charge to pay for the cost of the contract.

ESTIMATED COST:

® Not to exceed \$2.95 million per month, to a total of \$29.5 million.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=575665

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Agenda 3289, Item 36 2/16/2012 (Florio)

Regular Agenda - Energy Resolutions and Written Reports (continued)**Item Addresses Southern California Edison Company's Advice**
39 Letter 2628-E

[11017]

Res E-4773, Advice Letter 2628-E filed on September 12, 2011 - Related matters.**PROPOSED OUTCOME:**

- ® Approves funding shifting to augment Southern California Edison Company's (SCE) On-Bill Financing energy efficiency program to enable SCE to serve non-residential customer demand for loans through the remainder of 2012.
- ® The funds come from two sources: pre-2010 unspent, uncommitted funds, and unspent, uncommitted funds from SCE's local government and institutional partnership program.
- ® Approves modifications to the program that affects local governments.

ESTIMATED COST:

- ® \$16 million transferred from previously-authorized SCE pre-2010 unspent, uncommitted efficiency funds and up to \$15 million from 2010-12 unspent, uncommitted efficiency funds from SCE's local government and institutional partnership program.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=573150

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Regular Agenda - Energy Resolutions and Written Reports (continued)**Item Tariffs Compliant With the California Public Utilities
40 Commission Decision 11-07-031**

[11046]

Res E-4481, PG&E Advice Letter (AL) 3902-E, filed on September 12, 2011, SDG&E AL 2286-E, filed on September 12, 2011 and SCE AL 2625-E, filed on September 12, 2011 - Related matters.

PROPOSED OUTCOME:

® Within 10-14 days, Pacific Gas and Electric Company, San Diego Gas & Electric Company and Southern California Edison Company will re-file tariffs called "Schedule for Virtual Net Energy Metering for Multi-Tenant and Multi-Meter Properties " to comply with this Resolution and California Public Utilities Commission Decision 11-07-031, Ordering Paragraph 2.

® Adopts the original proposed tariffs with modifications below.

ESTIMATED COST:

® None.

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=574671

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Regular Agenda - Communication Orders**Item Revisions to Basic Telephone Service****41**

[10844]

R09-06-019

Order Instituting Rulemaking Regarding Revisions to the California High Cost Fund B Program.

PROPOSED OUTCOME:

- ® Adopts an updated definition of basic telecommunications service offered by any carriers of last resort.
- ® The revised definition is designed to:
- ® Consolidate and streamline existing listings of service elements.
- ® Apply technology-neutral terminology and definitions.
- ® Avoid degrading standards necessary to meet essential universal service needs.

ESTIMATED COST:

- ® No specific cost changes anticipated in basic rates.

(Comr Peevey - ALJ Pulsifer)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=E55169*Pub. Util. Code § 311 – This item was mailed for Public Comment.**Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.*

Agenda 3286, Item 52 12/15/2011 (Staff);

Agenda 3287, Item 62 1/12/2012 (Peevey);

Agenda 3288, Item 29 2/1/2012 (Peevey)

Regular Agenda - Communication Orders (continued)**Item Modifies Hearing Decision 11-07-032 and Underlying
42 Decision 10-07-005**

[11052]

C09-07-021

XO Communications Services, Inc. vs. Pacific Bell Telephone Company d/b/a AT&T California.

PROPOSED OUTCOME:

® Orders AT&T California to provide cross-connects to XO Communications Services, Inc. at Total Element Long Run Incremental Cost Rates.

® Closes the proceeding.

ESTIMATED COST:

® None.

(Comr Ferron - ALJ Bemederfer)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=E54953

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.

Regular Agenda - Water/Sewer Orders**Item New Order Instituting Investigation and Order to Show
43 Cause**

[11093]

A.11-08-019

In the Matter of the Application of Golden Hills Sanitation Company for Authority to Increase Rates Charged for Sewer Service by \$148,076 or 120% in January 2012, \$148,076 or 54% in January 2013, and \$148,076 or 35% in January 2014, and I. _____ Order Instituting Investigation on the Commission's own motion into the operations and practices of Golden Hills Sanitation Company, and Order to Show Cause why it should not be permanently enjoined from abandoning service pursuant to Public Utilities Code Section 855.

PROPOSED OUTCOME:

- ® Opens a new Order Instituting Investigation (OII) into the operations and practices of Golden Hills Sanitation Company (Golden Hills) and Order to Show Cause (OSC) why Golden Hills should not be enjoined from abandoning service.
- ® Confirms Temporary Restraining Order issued by Assigned Commissioner Ruling.
- ® The Commission consolidates Application 11-08-019 and the OII/OSC.

ESTIMATED COST:

- ® None.

(Comr Florio - ALJ Wilson)

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=E55781

Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Regular Agenda - Legal Division Matters

Regular Agenda - Legislative and Other Matters**Item Energy Efficiency****44**

[11011]

AB 904 (Skinner)

This bill would require the California Public Utilities Commission, as part of Rulemaking 09-11-014, to evaluate reasonable alternatives for financing residential energy efficiency retrofits, including efficiency improvements of heating, ventilation and air-conditioning. (Legislative Subcommittee Recommendation: _____).

Agenda 3289, Item 47 2/16/2012 (Staff)

**Item Telecommunications: Prepaid Mobile Telephony Services:
45 Taxes and Fees**

[10903]

AB 1050 (Ma)

This bill would establish a uniform method for retail sellers of prepaid mobile telephony communications services to use to collect from customers local and certain state communications taxes, fees and surcharges. The bill would establish a "prepaid communications charge" consisting of a state component and a local component, and require all customers purchasing prepaid mobile telephony service(s) at retail to pay the charge to the retailer seller. (Legislative Subcommittee Recommendation: Oppose).

http://docs.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=570562

Agenda 3286, Item 59 12/15/2011 (Simon);

Agenda 3287, Item 70 1/12/2012 (Staff);

Agenda 3288, Item 34 2/1/2012 (Peevey);

Agenda 3289, Item 48 2/16/2012 (Simon)

Item Energy: Energy Efficiency**46**

[11012]

AB 1124 (Skinner)

This bill would require the California Public Utilities Commission, in its review of the energy efficiency programs of electrical corporations and gas corporations, to ensure compliance with specified principles. (Legislative Subcommittee Recommendation: _____).

Agenda 3289, Item 49 2/16/2012 (Staff)

Regular Agenda - Legislative and Other Matters (continued)**Item Gas Corporations: Rate of Return: Safety****47**

[11013]

AB 1456 (Hill)

This bill would require the Commission to consider the safety performance of a gas corporation in determining what constitutes a just and reasonable rate of return. (Legislative Subcommittee Recommendation: _____).

Agenda 3289, Item 50 2/16/2012 (Staff)

Item Public Utilities: Emergency and Disaster Preparedness**48**

[11072]

AB 1650 (Portantino)

This bill would require the California Public Utilities Commission to establish standards for disaster and emergency preparedness plans, require investor-owned utilities to develop, adopt and update an emergency and disaster preparedness plan and require investor-owned utilities to meet with, and consult, cities and counties within each utility's service area. (Legislative Subcommittee Recommendation: _____).

**Item American Energy and Infrastructure Jobs Act of 2012
49 (Provision Relevant to Positive Train Control)**

[11073]

H.R. 7 (Mica)

The provision of this bill would delay until 2020 the requirement established by the U.S. Rail Safety Improvement Act of 2008 for most trains to implement Positive Train Control technology. (Legislative Subcommittee Recommendation: _____).

**Item Energy Efficiency and Renewable Energy On-Bill Repayment
50 Programs**

[11074]

SB 998 (de León)

This bill would require the California Public Utilities Commission to require an electrical corporation to develop and implement an on-bill repayment program for eligible energy efficiency and renewable energy investments on terms that the commission determines are just and reasonable. (Legislative Subcommittee Recommendation: _____).

Regular Agenda - Commissioner Reports

Regular Agenda - Management Reports and Resolutions

Item **Chief Administrative Law Judge Report on 2011 ALJ Division**
51 **Achievements**
[11100]

Item **Report and Discussion by Consumer Protection and Safety**
52 **Division on Recent Safety Program Activities**
[11059]

Closed Session

This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the disclosures required by Government Code Sections 11125.2 and 11126.3(f).

Closed Session - Applications for Rehearing

Item Conference with Legal Counsel - Application for Rehearing
53
 [11060]

Compilation of applications for rehearing recently filed with the Commission.

Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.

Item Conference with Legal Counsel - Application for Rehearing
54
 [11065]

C97-04-025, C00-04-013, C06-12-031, A00-03-044, A03-02-027, A04-11-017, A06-01-015, A06-08-028 - Related matters.

Disposition of applications for rehearing of Decision (D) 11-05-045 (Decision) filed by SFPP, L.P. (SFPP) and Indicated Shippers (Shippers). In D11-05-045, the Commission resolved issues subject to a limited rehearing of D98-03-033. D98-03-033 addressed a 1997 complaint filed by Shippers against SFPP. D11-05-045 also resolved certain issues from seven other related proceedings involving SFPP and Shippers. Among other things, D11-05-045 determined: the Sepulveda Line is subject to Commission jurisdiction; SFPP is not entitled to a ratemaking allowance for federal income tax expenses; SFPP should reallocate certain environmental expenses; Watson Station and the Sepulveda Line do not qualify for market based rates; SFPP's capital structure should be set at 60% equity and 40% debt; SFPP's Return on Equity should be 12.61%; SFPP should be allowed a 2004 attrition adjustment for the North Line Expansion Project; and SFPP should refund any associated overcharges.

Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.

Closed Session - Applications for Rehearing (continued)

Item Conference with Legal Counsel - Application for Rehearing

55

[11083]

A10-01-003

Disposition of Application for Rehearing of Decision (D) 10-06-006 (Decision) filed by North County Communications Corporation of California (North County). In the Decision, the Commission dismissed without prejudice North County's application for approval of a default rate for termination of intrastate, IntraMTA traffic originated by commercial mobile radio service carriers.

Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.

Item Conference with Legal Counsel - Application for Rehearing

56

[11084]

C07-03-006

Disposes of application for rehearing of Decision (D) 09-05-011, filed by Californians for Renewable Energy (CARE). In D09-05-011, the Commission awarded CARE \$33,363.84 in compensation for its substantial contribution to D08-02-001.

Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.

Closed Session - Initiation of Litigation - Non-Federal

Consideration of possible Commission initiation of, or intervention in, litigation.

Gov. Code § 11126(e)(2)(C)(i) and/or § 11126(d)(2), allows this item to be considered in Closed Session.

Closed Session - Threatened Litigation - Non-Federal

Significant exposure to litigation

Gov. Code § 11126(e)(2)(B), allows this item to be considered in Closed Session

Closed Session - Existing Litigation - Non-Federal

Closed Session - Threatened Litigation - Federal

Significant exposure to litigation in federal agency or court proceedings.

Gov. Code § 11126(e)(2)(B), allows this item to be considered in Closed Session

Closed Session - Initiation of Litigation - Federal

Consideration of possible Commission initiation of, or intervention in, federal agency or court proceedings.

Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.

Closed Session - Federal

Closed Session - FERC Docket No. EL00-95-000, et al.

Conference with Legal Counsel - Existing Litigation; San Diego Gas & Electric Co., FERC Docket No. EL00-95, Investigation of Practices of the California Independent System Operator and the California Power Exchange, FERC Docket EL00-98, and related dockets, CPUC v. FERC, Ninth Circuit Nos. 01-71051, et al., and 01-71934, et al., and related dockets.

Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.

Closed Session - Personnel Matters

Consideration of appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against that employee by another person or employee.

Gov. Code § 11126(a), allows this item to be considered in Closed Session